

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 18-57335

ALEX PETTWAY, and
BRENDA PETTWAY,

Chapter 7

Judge Thomas J. Tucker

Debtors.

ORDER DENYING THE DEBTORS' MOTION TO IMPOSE THE AUTOMATIC STAY

This case is before the Court on a motion filed on January 31, 2019 by the Debtors, entitled "Motion to Impose the Automatic Stay of Proceedings" (Docket # 22, the "Motion"). The Court must deny the Motion, because there is no legal authority that permits the Court to grant the relief requested in this case.

Under 11 U.S.C. § 362(c)(3)(A), the automatic stay terminated, with respect to the Debtors (but not with respect to property of the Chapter 7 bankruptcy estate) on January 30, 2019, the 30th day after the filing of this case. That automatic stay could not and cannot be extended beyond that 30th day, for the reasons stated in the Order denying the Debtor's motion to extend the stay, filed January 29, 2019 (Docket # 21).

Bankruptcy Code § 362(c)(4) does not apply in this case, because neither of the Debtors had 2 or more bankruptcy cases pending but dismissed within the year before the petition date in this case. *See* 11 U.S.C. § 362(c)(4)(A)(I). Rather, the Debtors each had only one such case. And even if § 362(c)(4) did apply, the Court could not impose the stay under § 362(c)(4) in this case, because the Motion was filed more than 30 days after the filing of this case. *See* 11 U.S.C. § 362(c)(4)(B).

For these reasons,

IT IS ORDERED that the Motion (Docket # 22) is denied.

Signed on February 1, 2019



/s/ Thomas J. Tucker

**Thomas J. Tucker
United States Bankruptcy Judge**